



Sen. Kwame Raoul

Filed: 3/1/2005

09400SB0530sam001

LRB094 10875 DRJ 41919 a

1 AMENDMENT TO SENATE BILL 530

2 AMENDMENT NO. _____. Amend Senate Bill 530 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 2-202 as follows:

6 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

7 Sec. 2-202. Persons authorized to serve process; Place of
8 service; Failure to make return.

9 (a) Process shall be served by a sheriff, or if the sheriff
10 is disqualified, by a coroner of some county of the State. A
11 sheriff of a county with a population of less than 1,000,000
12 may employ civilian personnel to serve process. In counties
13 with a population of less than 1,000,000, and in counties with
14 a population of more than 1,000,000 when process is to be
15 served in a case in which a party is receiving child support
16 enforcement services under Article X of the Illinois Public Aid
17 Code, process may be served, without special appointment, by a
18 person who is licensed or registered as a private detective
19 under the Private Detective, Private Alarm, Private Security,
20 and Locksmith Act of 2004 or by a registered employee of a
21 private detective agency certified under that Act. A private
22 detective or licensed employee must supply the sheriff of any
23 county in which he serves process with a copy of his license or
24 certificate; however, the failure of a person to supply the

1 copy shall not in any way impair the validity of process served
2 by the person. The court may, in its discretion upon motion,
3 order service to be made by a private person over 18 years of
4 age and not a party to the action. It is not necessary that
5 service be made by a sheriff or coroner of the county in which
6 service is made. If served or sought to be served by a sheriff
7 or coroner, he or she shall endorse his or her return thereon,
8 and if by a private person the return shall be by affidavit.

9 (a-5) Upon motion and in its discretion, the court may
10 appoint as a special process server a private detective agency
11 certified under the Private Detective, Private Alarm, Private
12 Security, and Locksmith Act of 2004. Under the appointment, any
13 employee of the private detective agency who is registered
14 under that Act may serve the process. The motion and the order
15 of appointment must contain the number of the certificate
16 issued to the private detective agency by the Department of
17 Professional Regulation under the Private Detective, Private
18 Alarm, Private Security, and Locksmith Act of 2004.

19 (b) Summons may be served upon the defendants wherever they
20 may be found in the State, by any person authorized to serve
21 process. An officer may serve summons in his or her official
22 capacity outside his or her county, but fees for mileage
23 outside the county of the officer cannot be taxed as costs. The
24 person serving the process in a foreign county may make return
25 by mail.

26 (c) If any sheriff, coroner, or other person to whom any
27 process is delivered, neglects or refuses to make return of the
28 same, the plaintiff may petition the court to enter a rule
29 requiring the sheriff, coroner, or other person, to make return
30 of the process on a day to be fixed by the court, or to show
31 cause on that day why that person should not be attached for
32 contempt of the court. The plaintiff shall then cause a written
33 notice of the rule to be served on the sheriff, coroner, or
34 other person. If good and sufficient cause be not shown to

1 excuse the officer or other person, the court shall adjudge him
2 or her guilty of a contempt, and shall impose punishment as in
3 other cases of contempt.

4 (d) If process is served by a sheriff or coroner, the court
5 may tax the fee of the sheriff or coroner as costs in the
6 proceeding. If process is served by a private person or entity,
7 the court may establish a fee therefor and tax such fee as
8 costs in the proceedings.

9 (e) In addition to the powers stated in Section 8.1a of the
10 Housing Authorities Act, in counties with a population of
11 3,000,000 or more inhabitants, members of a housing authority
12 police force may serve process for forcible entry and detainer
13 actions commenced by that housing authority and may execute
14 orders of possession for that housing authority.

15 (f) In counties with a population of 3,000,000 or more,
16 process may be served, with special appointment by the court,
17 by a private process server or a law enforcement agency other
18 than the county sheriff in proceedings instituted under the
19 Forcible Entry and Detainer Article of this Code as a result of
20 a lessor or lessor's assignee declaring a lease void pursuant
21 to Section 11 of the Controlled Substance and Cannabis Nuisance
22 Act.

23 (Source: P.A. 93-438, eff. 8-5-03.)".